

BILL NO. **97-80**

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 97-80 (as amended)

Introduced by Council Member Shank

Legislative Day No. 97-38 Date December 16, 1997

AN EMERGENCY ACT to add the definition of "overburden storage or disposal" to Section 267-4, Definitions, of Article I, General Provisions, to repeal and reenact with amendments Subsection C(3), of Section 267-40, CI, LI and GI Industrial Districts, of Article VI, District Regulations, to repeal and reenact, with amendments, Subsection E(1), of Section 267-53, Specific Standards; of Article VIII, Special Exceptions, all of Part 1, Standards, of Chapter 267, Zoning; to repeal and reenact, with amendments, Tables XIII and XIV, Design Requirements for Specific Uses, all of the Harford County Code, as amended to define a certain term; to establish certain requirements for mineral extraction and processing use; to make this an Emergency Act; and generally relating to mineral extraction and processing.

By the Council December 16, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: January 20, 1998

at: 7:15 p.m.

By Order: Mary Kate Herbig, Acting Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 20, 1998 and concluded on January 20, 1998.

Mary Kate Herbig, Acting Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates Language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. **97-80**

AS AMENDED

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That the definition of "overburden storage or disposal" be, and it is hereby, added to Section 267-4, Definition, of Article I, General Provisions, that Subsection C(3), of Section 267-40, CI, LI and GI Industrial Districts, of Article VI, District Regulations, be, and it is hereby, repealed and reenacted, with amendments, that Subsection E(1), of Section 267-53, Specific Standards, of Article VIII, Special Exceptions, be, and it is hereby, repealed and reenacted, with amendments, all of Part 1, Standards, of Chapter 267, Zoning, and that Tables XIII and XIV, Design Requirements for Specific Uses, be, and they are hereby, repealed and reenacted, with amendments, all of the Harford County Code, as amended, all to read as follows:

Chapter 267. Zoning.

Part 1. Standards.

Article I. General Provisions.

Section 267-4. Definitions.

For the purposes of this Part 1, the following words and phrases shall have the meanings provided below:

OVERBURDEN STORAGE OR DISPOSAL - ANY RESIDUAL SOIL, ROCK, MINERAL, SCRAP OR OTHER MATERIAL DISPLACED BY THE EXTRACTION USE.

Article VI. District Regulations.

Section 267- 40. CI, LI and GI Industrial Districts.

C. Specific regulations applicable to industrial districts. The following uses are permitted, subject to the additional requirements below:

(3) Extraction activities in the CI and GI Districts, provided that:

(a) Upon filing an application with the State Department of Natural Resources

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT, the applicant shall file a copy of the
2 application with the Department of Planning and Zoning.

3 (b) Extraction activities shall be screened from adjacent residential lots and public
4 roads pursuant to § 267-28, Buffer yards, or by a planted earth berm not less than six (6) feet in
5 height and fifteen (15) feet in width.

6 (c) ~~NOTWITHSTANDING § 267-28 OF THIS CHAPTER, ALL AREAS IN~~
7 ~~WHICH EXTRACTION, WASHING, CRUSHING, PROCESSING, BLASTING,~~
8 ~~OVERBURDEN STORAGE OR DISPOSAL OR SIMILAR ACTIVITIES OCCUR SHALL BE~~
9 ~~AT LEAST 1,500 FEET FROM ANY ADJACENT RESIDENTIAL LOT OR ANY ROAD~~
10 ~~RIGHT-OF-WAY.~~

11 (c) THE FOLLOWING BUFFER REQUIREMENTS SHALL BE
12 MAINTAINED:

13 (i) ALL AREAS IN WHICH EXTRACTION, WASHING, CRUSHING,
14 PROCESSING, BLASTING, OVERBURDEN STORAGE OR DISPOSAL OR SIMILAR
15 ACTIVITIES OCCUR SHALL BE AT LEAST 800 FEET FROM THE PROPERTY LINE OF
16 ANY PARCEL WITH AN R1, R2, R3, R4, VR OR RO ZONING CLASSIFICATION; AND

17 (ii) ALL AREAS IN WHICH EXTRACTION, WASHING, CRUSHING,
18 PROCESSING, BLASTING OR SIMILAR ACTIVITIES OCCUR SHALL BE AT LEAST 200
19 FEET FROM THE PROPERTY LINE OF ANY PARCEL WITH AN AG OR RR ZONING
20 CLASSIFICATION.

21 Article VIII. Special exceptions.

22 Section 267-53. Specific Standards.

1 The special exceptions enumerated herein, in addition to other conditions as may be
2 imposed by the Board, shall comply with the following requirements:

3 E. Natural resource uses.

4 (1) Mineral extraction and processing. These uses may be granted in the AG, RR, R, R1,
5 R2, R3, R4, RO, VR, VB, B1, B2 and B3 Districts, provided that:

6 (a) A permit for such use has been approved by the State Department of Natural
7 Resources MARYLAND DEPARTMENT OF THE ENVIRONMENT.

8 (b) No building or structure shall be located within [one hundred feet (100)] 100
9 feet of any road right-of-way or adjoining property line.

10 (c) ~~No washing, crushing, processing, [blasting] BLASTING,~~
11 ~~OVERBURDEN STORAGE OR DISPOSAL~~ or similar operation shall be conducted within A
12 ~~MINIMUM OF [two hundred (200)] 1,500 feet of any road right-of-way or adjacent residential~~
13 ~~lot.~~

14 (c) THE FOLLOWING BUFFER REQUIREMENTS SHALL BE
15 MAINTAINED:

16 (i) ALL AREAS IN WHICH EXTRACTION, WASHING, CRUSHING,
17 PROCESSING, BLASTING, OVERBURDEN STORAGE OR DISPOSAL OR SIMILAR
18 ACTIVITIES OCCUR SHALL BE AT LEAST 800 FEET FROM THE PROPERTY LINE OF
19 ANY PARCEL WITH AN R1, R2, R3, R4, VR OR RO ZONING CLASSIFICATION; AND

20 (ii) ALL AREAS IN WHICH EXTRACTION, WASHING, CRUSHING,
21 PROCESSING, BLASTING OR SIMILAR ACTIVITIES OCCUR SHALL BE AT LEAST 200
22 FEET FROM THE PROPERTY LINE OF ANY PARCEL WITH AN AG OR RR ZONING

1 CLASSIFICATION.

2 (d) Existing trees and ground cover along public road frontage shall be
3 preserved, maintained and supplemented by the selective cutting, transplanting and addition of
4 trees, shrubs and other ground cover for the depth of the front yard setback. Where it is
5 determined that landscaping is not practical because of soil and/or operation conditions, other
6 screening shall be provided.

7 (e) Any use authorized as a conditional use pursuant to Board of Appeals
8 approval prior to the effective date of this Part 1, as amended, shall comply with the conditions as
9 previously established, Any use authorized after the effective date of this Part 1, as amended, may
10 proceed, subject to the conditions of this section. Where a conditional use or special exception has
11 been granted, any modification or change of operations affecting the conditions or expansion of
12 the use shall be subject to approval by the Board of Appeals.

13 (f) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
14 ANNUALLY SHALL REQUIRE ALL ACTIVE MINING OPERATIONS THAT OPERATE
15 SUBJECT TO A BOARD OF APPEALS DECISION TO SUBMIT TO THE DEPARTMENT A
16 CERTIFICATE OF COMPLIANCE. THE CERTIFICATION SHALL BE SIGNED BY THE
17 CHIEF EXECUTIVE OFFICER AND THE PLANT OPERATOR/MANAGER OF THE
18 COMPANY WHICH OWNS THE PROPERTY AND SHALL STATE WHETHER THE
19 MINING OPERATION IS IN COMPLIANCE WITH ALL OF THE CONDITIONS IN THE
20 BOARD'S DECISION. THE CERTIFICATE OF COMPLIANCE SHALL INCLUDE
21 DETAILED INFORMATION TO ADDRESS THE CONDITIONS IMPOSED AS PART OF
22 THE BOARD OF APPEALS CASE. THE DIRECTOR OF THE DEPARTMENT OF

1 PLANNING AND ZONING MAY REQUIRE ANY ADDITIONAL INFORMATION
2 NEEDED TO VERIFY COMPLIANCE, SUCH AS, BUT NOT LIMITED TO A PROPERTY
3 LINE OR TOPOGRAPHIC SURVEY OR PART OR ALL OF THE PROPERTY SEALED BY
4 A PROFESSIONAL LAND SURVEYOR OR REGISTERED PROPERTY LINE SURVEYOR.

5 Section 2. And Be It Further Enacted, That this Act shall apply to any new mineral extraction
6 operation or any expansion to an existing operation permitted by Harford County on or after
7 December 16, 1997.

8 Section 3. And Be It Further Enacted, That if any provision of this Act or the application
9 thereof to any person or circumstance is held invalid for any reason in a court of competent
10 jurisdiction, the invalidity does not affect the other provisions or any other application of this Act
11 which can be given effect without the invalid provision or application, and for this purpose the
12 provisions of this Act are declared severable.

13 Section 4. And Be It Further Enacted, That this Act is declared to be an Emergency Act,
14 necessary to establish adequate standards for the operation of mineral extraction and processing
15 uses in order to ensure the public's health, safety, and welfare, and shall take effect on the date it
16 becomes law.

EFFECTIVE: February 12, 1998

Harford County
Table XIII: Design Requirements for Specific Uses
CI Commercial Industrial District

Use Classification	Minimum Lot Area	Minimum Area Per Dwelling or Family Unit (sq.ft.)	Minimum Bldg. or Use Setback From Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width Each (feet)	Minimum Rear Yard Depth (feet)	Maximum Height
Amusements	10,000			50	25	10	35	35
Industrial			50	60	25	15	25	40
Institutional	40,000			100	30	20	40	30
Motor Vehicles	20,000		25	70	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
Retail trade/services	10,000		25	50	25	10	35	35
Transportation, communications and utilities	10,000		50	50	25	10	40	30
Public utility facilities			25		25	25	25	30
Sewage pumping stations			200		25	25	25	30
Sanitary landfills	2 acres		200	100	80	50	80	30
Warehousing, wholesaling and processing	20,000		50	70	30	20	40	30
Transient housing	40,000	1,000	25	100	30	20	40	35 feet or 3 stories
Rubble landfills	100 acres							See Section 267-40.1
MINERAL EXTRACTION AND PROCESSING	2 ACRES		See Section 267-40					35

NOTE: General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in §§ 267-18 through 267-53.

Harford County
Table XIV: Design Requirements for Specific Uses
GI General Industrial District

Use Classification	Minimum Lot Area	Minimum Area Per Dwelling or Family Unit (sq.ft.)	Minimum Bldg. or Use Setback From Adjacent Residential Lot (feet)	Minimum Lot Width at Bldg. Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width Each (feet)	Minimum Rear Yard Depth (feet)	Maximum Height
Amusements	10,000			50	25	10	35	35
Industrial			100	60	25	15	25	40
Institutional/motor vehicle	40,000		25	100	30	20	40	30
Natural Resources	2 acres		50 (bldg.)					35
Retail trade/services	20,000		25	50	25	10	35	35
Transportation, communications and utilities	10,000		50	50	25	10	40	30
Public utility facilities			25		25	25	25	30
Sewage pumping stations			200		25	25	25	30
Sanitary landfills	2 acres		200	100	80	50	80	30
Warehousing, wholesaling and processing			50	50	25	10	25	40
Transient housing	40,000	1,000	25	100	30	20	40	35 feet or 3 stories
Rubble landfills	100 acres							See Section 267-40.1
MINERAL EXTRACTION AND PROCESSING	2 ACRES		See Section 267-40					35

NOTE: General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in §§ 267-18 through 267-53.

AS AMENDED
97-80

HARFORD COUNTY BILL NO. 97-80 (as amended)(Brief Title) Setbacks - Mineral Extraction and
Processing Facilities

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Mary Kate Herbig
Acting Council AdministratorJoanne S. Parrott
President of the CouncilDate February 10, 1998Date Feb. 10, 1998

BY THE COUNCIL

Read the third time.

Passed: LSD 98-5 (February 10, 1998)

Failed of Passage: _____

By Order

Mary Kate Herbig
Acting Council AdministratorSealed with the County Seal and presented to the County Executive for approval this 11th day of February, 1998 at 3:00 p. m.Mary Kate Herbig
Acting Council Administrator

BY THE EXECUTIVE

Colleen M. Rehrmann
COUNTY EXECUTIVEAPPROVED: Date February 12, 1998

BY THE COUNCIL

This Bill (No. 97-80, as amended), having been approved by the Executive and returned to the Council, becomes law on February 12, 1998.

Mary Kate Herbig
Acting Council Administrator

EFFECTIVE DATE: February 12, 1998